

AN ORDINANCE

99- ○ -1420

BY COUNCIL MEMBER DEBI STARNES

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE I, SECTION 10-1 TO ADD ADDITIONAL LANGUAGE TO THE DEFINITION OF “RESTAURANT” TO REQUIRE THAT APPLICANTS PROVIDE STATEMENTS FROM CERTIFIED PUBLIC ACCOUNTANTS REGARDING THE PERCENTAGE OF FOOD BEING SOLD; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and welfare of the citizens of the City of Atlanta; and

WHEREAS, the City of Atlanta is concerned that certain businesses that have claimed to be restaurants for purposes of the City’s Alcohol Code do not meet the requirements for such status; and

WHEREAS, the City of Atlanta desires to establish guidelines to determine whether restaurants which claim to meet the requirements of the City’s Alcohol Code do in fact meet such requirements; and

WHEREAS, in order to make such a determination, the City desires to require that each restaurant licensed to sell alcoholic beverages in the City of Atlanta submit a certified statement from a certified public accountant that confirms that such restaurant does derive at least fifty (50) percent of the restaurant’s total annual gross sales from the sale of prepared meals or food; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA ORDAINS as follows:

Section 1. That Chapter 10, Article I, Section 10-1 is hereby amended to add additional language to the definition of the word “restaurant” which shall follow the last sentence of the current definition and which shall read as follows:

In order to qualify as a restaurant, an applicant for a license to sell alcoholic beverages for on premises consumption at a “restaurant” is required to file with the police department a sworn statement stating that it is the applicant’s belief that the subject restaurant will derive at least fifty (50) percent of the restaurant’s total annual gross food and beverage sales from the

sale of prepared meals or food. This statement shall accompany the original application for a license to sell alcoholic beverages for on premises consumption at a restaurant. In order to continue to sell alcohol for on premises consumption at a restaurant, the applicant for renewal must provide the police department with an annual statement from a certified public accountant that proves that during the preceding year, the restaurant did in fact derive at least fifty (50) percent of the restaurant's total annual gross sales from the sale of prepared meals or food. Failure to provide such a statement will result in the loss of the status of "restaurant" for the subject location.

Section 2. That any ordinances or parts thereof that are in conflict with this ordinance are hereby repealed.